

February 1, 1988

REPORT TO THE HONORABLE
MAYOR AND CITY COUNCIL
PROPOSED AIDS ANTI-DISCRIMINATION ORDINANCE

This memo is to explain the proposed ordinance regarding AIDS Anti-Discrimination, which will be on your docket of February 8, 1988. When the draft was presented to the Committee on Public Services and Safety on January 6, 1988, this office was directed to coordinate with County Counsel on clarification of the protected class and to respond to questions regarding liability, damages and the exceptions section.

The ordinance as now presented contains attachments from which the Council may select wording in those areas of concern. Section 52.9502(c) ("ARS") on page 5 refers to Attachments A and B. Those attachments are also provided with this memo. Attachment A contains the language from the original City draft. Attachment B contains the language adopted by the County Board of Supervisors on January 12, 1988.

Section 52.9510 (Liability and Damages) on page 12 refers to attachments C, D, E and F. Those attachments are also provided with this memo. Attachment C provides for actual and punitive damages. Attachment D provides for treble and punitive damages. Attachment E provides for actual and no punitive damages. Attachment F provides for treble and no punitive damages.

We have reviewed Section 52.9509, (Exceptions) and feel the language contained therein is adequate to ensure that prostitutes and drug dealers may not successfully use this ordinance to provide protection for illegal activity.

Respectfully submitted,
JOHN W. WITT
City Attorney

MKJ:mrh:500(x043.1)

Attachments

RC-88-5